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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

13 **MARLEEN SUZIE VALDEZ**
1811 North Hall Court
14 Visalia, CA 93291

15 Applicant/Respondent.

Case No. **2011-929**

STATEMENT OF ISSUES

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
20 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 **Application for Licensure by Examination**

23 2. On or about November 30, 2010, the Board of Registered Nursing ("Board"),
24 Department of Consumer Affairs received an Application for Licensure by Examination for a
25 registered nurse license from Marleen Suzie Valdez ("Respondent"). On or about November 22,
26 2010, Marleen Suzie Valdez certified under penalty of perjury to the truthfulness of all
27 statements, answers, and representations in the application. The Board denied the application on
28 February 15, 2011.

STATUTORY PROVISIONS

3. Section 2736 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Section 480 of the Code states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Criminal Convictions)

6. Respondent's application is subject to denial pursuant to Code sections 480, subdivision (a)(1), and 2761, subdivision (f), in the Respondent has been convicted of the following crimes that are substantially related to the qualifications, functions, or duties of a registered nurse:

1 a. On August 6, 2006, in the Superior Court, County of Tulare, California, in the matter
2 entitled *People vs. Marleen Suzie Valdez* (2003). Case No. VCM121564-04, Respondent was
3 convicted following her plea of nolo contendere to a violation of Penal Code section 594,
4 subdivision (a) (vandalism over \$400 damage), a misdemeanor. The circumstances of the crime
5 are that on or about December 21, 2003, Respondent, who was intoxicated at the time, vandalized
6 D.M.'s 1995 Toyota.

7 b. On January 30, 2008, in the Superior Court, County of Tulare, California, in the
8 matter entitled *People vs. Marleen Suzie Valdez*, (2007), Case No. TCM192840, Respondent was
9 convicted following her plea of no contest to a violation of Vehicle Code section 23152,
10 subdivision (b) (driving with a blood alcohol level above .15%), a misdemeanor. The
11 circumstances of the crime are that on September 29, 2007, Respondent was arrested for driving
12 under the influence of alcohol following a traffic stop. Respondent's blood alcohol level
13 measured .18% and .17%. Further, said conviction is a violation of probation with regard to the
14 conviction set forth in subparagraph a, above.

15 **SECOND CAUSE FOR DENIAL OF APPLICATION**

16 **(Discipline by Another California Health Care Professional Licensing Board)**

17 7. Respondent's application is subject to denial pursuant to Code section 2761,
18 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent has been
19 disciplined by a California health care professional licensing board. Effective July 12, 2009,
20 pursuant to the Decision in the Stipulated Settlement and Disciplinary Order in Statement of
21 Issues No. VN-2007-2862, attached hereto and incorporated herein as **Exhibit A**, the Board of
22 Vocational Nursing and Psychiatric Technicians issued Respondent a vocational nursing license
23 and immediately revoked said license. The revocation was stayed and Respondent was placed on
24 probation for a period of four (4) years with terms, as more particularly set forth in **Exhibit A**.

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EXHIBIT A

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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

Case No. VN-2007-2862

MARLEEN SUZIE VALDEZ
1811 North Hall Court
Visalia, CA 93291

Applicant for Vocational Nurse License

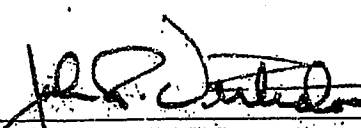
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on July 12, 2009.

IT IS SO ORDERED this 12th day of June, 2009.



John P. Vertido, L.V.N.
President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 BRIAN S. TURNER, State Bar No. 108991
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7 Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. VN-2007-2862

13 **MARLEEN SUZIE VALDEZ**
1811 North Hall Court
14 Visalia, CA 93291

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

Respondent.

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17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
18 the above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive
21 Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action
22 solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney
23 General of the State of California, by Brian S. Turner, Deputy Attorney General.

24 2. Respondent Marleen Suzie Valdez (Respondent) is representing herself in
25 this proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about May 23, 2008, Respondent filed an application with the Board
27 of Vocational Nursing and Psychiatric Technicians to obtain a Vocational Nursing License.

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1 To ensure compliance with this term, respondent shall submit fingerprints
2 through the Department of Justice and Federal Bureau of Investigation within thirty (30) days of
3 the effective date of the decision, unless the Board determines that fingerprints were previously
4 submitted by respondent to the Board.

5 Respondent shall also submit to the Board a recent 2" x 2" photograph of herself
6 within thirty (30) days of the effective date of the decision.

7 If respondent is under a criminal court order, including probation or parole, and the
8 order is violated, it shall be deemed a violation of these probation conditions.

9 2. COMPLIANCE WITH PROBATION PROGRAM.

10 Respondent shall fully comply with the conditions of probation established by the
11 Board and shall cooperate with the representatives of the Board in its monitoring and
12 investigation of the respondent's compliance with the Probation Program.

13 Upon successful completion of probation, the respondent's license will be fully
14 restored.

15 3. SUBMIT WRITTEN REPORTS.

16 Respondent shall submit or cause to be submitted, under penalty of perjury, any
17 written reports, declarations and verification of actions as required by the Board or its
18 representatives. These reports or declarations shall contain statements relative to respondent's
19 compliance with all the conditions of the Board's program. Respondent shall immediately
20 execute all release of information forms as may be required by the Board or its representatives.

21 In the first report, respondent shall provide a list of all states and territories where
22 she has ever been licensed as a vocational/practical nurse, psychiatric technician or registered
23 nurse. Respondent shall provide information regarding the status of each license and any change
24 in license status during the period of probation. Respondent shall inform the Board if she applies
25 for or obtains a new nursing or psychiatric technician license during the period of probation.

26 Respondent shall provide a copy of the Board's decision to the regulatory agency
27 in every state and territory in which she has applied for or holds a vocational/practical nurse,
28 psychiatric technician and/or registered nurse license.

1 4. **NOTIFICATION OF ADDRESS & TELEPHONE NUMBER**
2 **CHANGES.**

3 Respondent shall notify the Board, in writing, within five (5) days of any change
4 in address or telephone number(s).

5 Respondent's failure to claim mail sent by the Board may be deemed a violation
6 of these probation conditions.

7 5. **NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF**
8 **STATE.**

9 Respondent shall notify the Board, in writing, within five (5) days, if she leaves
10 California to reside or practice in another state. Periods of residency or practice outside of
11 California, shall not apply toward a reduction of this probation time period. If respondent resides
12 or practices outside of California, the period of probation shall be automatically extended for the
13 same time period she resides or practices outside of California. Respondent shall provide written
14 notice to the Board within five (5) days of any change of residency or practice. Respondent shall
15 notify the Board, in writing within five (5) days, upon her return to California.

16 6. **MEETINGS WITH BOARD REPRESENTATIVES.**

17 Respondent shall appear in person at meetings as directed by the Board or its
18 designated representatives.

19 7. **NOTIFICATION TO EMPLOYER(S).**

20 When currently employed or applying for employment in any capacity in any
21 health care profession, respondent shall notify her employer of the probationary status of
22 respondent's license. This notification to the respondent's current health care employer shall
23 occur no later than the effective date of the Decision. Respondent shall notify any prospective
24 health care employer of her probationary status with the Board prior to accepting such
25 employment. At a minimum, this notification shall be accomplished by providing the employer
26 or prospective employer with a copy of the Board's Statement of Issues and Disciplinary
27 Decision.

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1 The Health Care Profession includes, but is not limited to: Licensed Vocational
2 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency
3 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary
4 technical health care positions.

5 Respondent shall cause each health care employer to submit to the Board all
6 performance evaluations and any other employment related reports as required by the Board.
7 Respondent shall notify the Board, in writing, of any difficulty in securing employer reports
8 within five (5) days of such an event.

9 Respondent shall notify the Board, in writing, within five (5) days of any change
10 in employment status. Respondent shall notify the Board, in writing, if she is terminated or
11 separated regardless of cause, from any nursing or health care related employment with a full
12 explanation of the circumstances surrounding the termination or separation.

13 **8. EMPLOYMENT REQUIREMENTS AND LIMITATIONS.**

14 Respondent shall work in her licensed capacity in the State of California. This
15 practice shall consist of no less than six (6) continuous months and of no less than twenty (20)
16 hours per week.

17 Respondent shall not work for a nurses' registry or in any private duty position, a
18 temporary nurse placement agency, as a faculty member in an accredited or approved school of
19 nursing, or as an instructor in a Board approved continuing education course except as approved,
20 in writing, by the Board. Respondent shall work only on a regularly assigned, identified and
21 predetermined work site(s) and shall not work in a float capacity except as approved, in writing,
22 by the Board.

23 **9. SUPERVISION REQUIREMENTS.**

24 Before commencing or continuing employment in any health care profession,
25 respondent shall obtain approval from the Board of the supervision provided to Respondent
26 while employed.

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Respondent shall not function as a charge nurse (i.e., work in any health care setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

10. COMPLETION OF EDUCATIONAL COURSE(S).

Respondent, at her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The course work shall be in addition to that required for license renewal. The Board shall notify Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned course work, respondent shall submit a written plan to comply with this requirement in any course of study after enrollment. The Board shall approve such plan prior to enrollment.

Upon successful completion of the course, respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

11. MAINTENANCE OF VALID LICENSE.

Respondent shall, at all times, maintain an active current license with the Board, including any period of suspension.

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision. Should respondent's license expire, by operation of law or otherwise, upon renewal or reinstatement, respondent's license shall be subject to any and all conditions of this probation not previously satisfied.

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1 **12. LICENSE SURRENDER.**

2 During probation, if respondent ceases practicing due to retirement, health
3 reasons, or is otherwise unable to satisfy the conditions of probation, respondent may surrender
4 her license to the Board. The Board reserves the right to evaluate respondent's request and to
5 exercise its discretion whether to grant the request without further hearing. Upon formal
6 acceptance of the tendered license, respondent will no longer be subject to the conditions of
7 probation.

8 Surrender of respondent's license shall be considered a disciplinary action and
9 shall become a part of respondent's license history with the Board. A licensee who surrenders
10 her license may petition the Board of reinstatement no sooner than the following minimum
11 periods from the effective date of the disciplinary decision for surrender:

12 a. Three (3) years for reinstatement of a license surrendered for any other
13 than mental or physical illness; or

14 b. One (1) year for a license surrendered for a mental or physical illness.

15 **13. VIOLATION OF PROBATION.**

16 If respondent violates the conditions of her probation, the Board after giving
17 respondent notice and an opportunity to be heard, may set aside the stay order and impose the
18 stayed discipline (denial) of the respondent's license. If during the period of probation, an
19 accusation or petition to revoke has been filed against the respondent's license or the Attorney
20 General's Office has been requested to prepare an accusation or petition to revoke probation
21 against the respondent's license, the probationary period shall automatically be extended and
22 shall not expire until the accusation or petition has been acted upon by the Board.

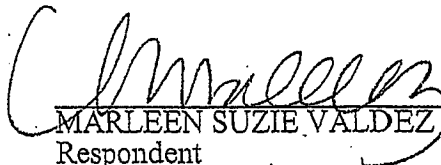
23 **14. CHEMICAL DEPENDENCY SUPPORT & RECOVERY GROUPS.**

24 Within five (5) days of the effective date of the Decision, respondent shall begin
25 attendance at a chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics
26 Anonymous, Nurse Support Group). Verified documentation of attendance shall be submitted by
27 respondent with each written report as required by the Board. Respondent shall continue
28 attendance in such a group for the duration of probation.

1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order.
3 I understand the stipulation and the effect it will have on my Vocational Nurse license. I enter
4 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
5 and agree to be bound by the Decision and Order of the Board of Vocational Nursing and
6 Psychiatric Technicians.

7 DATED: 4/27/09

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9 MARLEEN SUZIE VALDEZ
10 Respondent

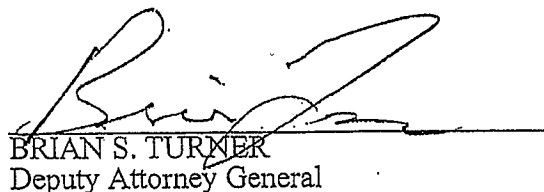
11 ENDORSEMENT

12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
13 submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of
14 the Department of Consumer Affairs.

15 DATED: May 7, 2009

16 EDMUND G. BROWN JR., Attorney General
17 of the State of California

18 ARTHUR D. TAGGART
19 Supervising Deputy Attorney General

20 
21 BRIAN S. TURNER
22 Deputy Attorney General

23 Attorneys for Complainant
24

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Exhibit A

Statement of Issues No. VN-2007-2862

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of the State of California
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8
9 **BEFORE THE**
10 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Statement of Issues Against:

Case No. VN-2007-2862

14 **MARLEEN SUZIE VALDEZ**
1811 North Hall Court
15 Visalia, California 93291

STATEMENT OF ISSUES

16 Applicant/Respondent.

17
18 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Statement of Issues solely in her official capacity
21 as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians
22 ("Board"), Department of Consumer Affairs.

23 **Application History**

24 2. On or about May 23, 2008, the Board received an Application for
25 Vocational Nurse Licensure from Marleen Suzie Valdez ("Respondent"). On or about April 7,
26 2008, Respondent certified under penalty of perjury to the truthfulness of all statements, answers,
27 and representations in the application. The Board denied the application on or about
28 October 30, 2008.

1 (c) Be convicted of a criminal offense involving
2 possession of any narcotic or dangerous drug, or the prescription,
3 consumption, or self-administration of any of the substances
described in subdivisions (a) and (b) of this section, in which event
the record of the conviction is conclusive evidence thereof.

4 **FIRST CAUSE FOR DENIAL OF APPLICATION**

5 **(Criminal Convictions)**

6 7. Respondent's application is subject to denial under Code sections 2866
7 and 480, subdivision (a)(1), in that Respondent has been convicted of crimes substantially related
8 to the qualifications, functions or duties of a vocational nurse, as follows:

9 a. On or about August 17, 2006, in the Superior Court of California, County
10 of Tulare, in the case entitled, *People of the State of California v. Marleen Suzie Valdez*
11 (Super. Ct. Tulare County, 2006, Case No. VCM121564-04), Respondent was convicted on her
12 plea of nolo contendere of violating Penal Code section 594, subdivision (a) (Vandalism), a
13 misdemeanor. The circumstances of the crime are that on or about December 21, 2003,
14 Respondent did unlawfully and willfully smash the windows and mirrors of a 1995 Toyota
15 Camry belonging to another person.

16 b. On or about January 30, 2008, in the Superior Court of California,
17 County of Tulare, in the case entitled, *People of the State of California v. Marleen Suzie Valdez*
18 (Super. Ct. Tulare County, 2007, Case No. TCM192840), Respondent was convicted on her plea
19 of guilty of violating Vehicle Code section 23152, subdivision (b) (Driving While Having a .08%
20 or Higher Blood Alcohol Content), a misdemeanor. The circumstances of the crime are that on
21 or about September 29, 2007, Respondent did willfully and unlawfully drive a vehicle while
22 having a .08% or Higher [.17%] Blood Alcohol Content.

23 **SECOND CAUSE FOR DENIAL OF APPLICATION**

24 **(Done Any Acts if Committed by a Licentiate)**

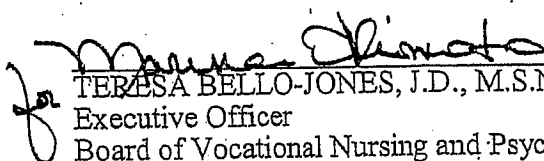
25 8. Respondent's application is subject to denial under Code sections 2866
26 and 480, subdivision (a)(3), in that Respondent committed acts, which if done by a licentiate,
27 would be grounds for suspension or revocation of a license, pursuant to Code sections 2878,
28 subdivision (f), and 2878.5, subdivisions (b) and (c), as set forth in paragraph 7, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Denying the application of Marleen Suzie Valdez for a vocational nurse license; and,
2. Taking such other and further action as deemed necessary and proper.

DATED: March 5, 2009


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant